

THIRTY-FIRST DAY

(Monday, March 4, 1957)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Lock
Ashley	Moffett
Bracewell	Moore
Bradshaw	Parkhouse
Colson	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

Absent—Excused

Martin Owen

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unananimous consent, the reading of the Journal of the proceedings of Thursday, February 28, 1957, was dispensed with and the Journal was approved.

Leaves of Absence

Senator Martin was granted leave of absence for today and the remainder of the week on account of illness on motion of Senator Lock.

Senator Owen was granted leave of absence for today on account of important business on motion of Senator Hudson.

Senate Bills on First Reading

The following bills were introduced, read first time and referred to the committee indicated:

By Senator Hardeman:

S. B. No. 306, A bill to be entitled "An Act authorizing independent school districts to borrow money for current maintenance expenses; providing for the method of evidencing such loans by the issuance of negotiable notes; prescribing the condi-

tions under which such notes may be issued; enacting other provisions related to the subject; and declaring an emergency."

To the Committee on State Affairs.

By Senator Secrest:

S. B. No. 307, A bill to be entitled "An Act amending Chapter 88, Page 172, of the Acts of the 41st Legislature, Second Called Session, 1929, as amended, to provide for registration of automobiles manufactured prior to 1921; providing for method of application for such registration; fixing amount of fee for such registration; providing for license plates; defining an offense and prescribing a penalty; and declaring an emergency."

To the Committee on State Affairs.

By Senator Moffett:

S. B. No. 308, A bill to be entitled "An Act amending Section 8 of Chapter 443, Acts of the Forty-fifth Legislature, Regular Session, as amended, to include all counties in the State of Texas covered by such Act; and declaring an emergency."

To the Committee on Agriculture and Livestock.

By Senator Fly:

S. B. No. 309, A bill to be entitled "An Act prohibiting a city or municipality from annexing territory situated outside the corporate limits of such city when such territory is situated both across any bay, inlet or other open body of water and also extends across any county line; providing that no city or municipality shall have any jurisdiction over any territory outside the corporate limits of such city or municipality when such territory is situated both across any bay, inlet or open body of water and also extends across a county line; providing a repealing clause; providing a severability clause and declaring an emergency."

To the Committee on State Affairs.

By Senator Bradshaw:

S. B. No. 310, A bill to be entitled "An Act amending Senate Bill 284, Acts 1955, Fifty-fourth Legislature, Chapter 397, page 1044 by amending Section 3 (A) (2) thereof (codified as Article 3.70, (A) (2), Vernon's Insurance Code); by amending Section 3, (B) (8) thereof (codified as Article 3.70-3 (B) (8), Vernon's Insurance Code); by adding a new Section

thereto to be known as Section 10A to provide that an insurer may reserve the right to refuse renewal of a policy of accident and sickness insurance under certain conditions and limitations; by amending Section 13 thereof to provide an effective date of the Act, as amended by this Act; repealing all laws and parts of laws in conflict with this Act; declaring the provisions of this Act to be severable; and declaring an emergency."

To the Committee on Insurance.

By Senator Bradshaw:

S. B. No. 311, A bill to be entitled "An Act revising the employers' liability and workmen's compensation insurance laws of this State by amending and adding to certain sections of Articles 8306, 8306a, 8307, and 8309, Revised Civil Statutes of 1925, as amended; amending Sections 7, 7c, 7d, 7e, 8, 8a, 9, 10, 11, 12, 12b, 18, 19, and 26d of Article 8306, Revised Civil Statutes of 1925; removing present limitations of medical service benefits and providing that such services shall include treatments necessary to physical rehabilitation and providing for referral of an injured employee by the Board of the Vocational Rehabilitation Division of the Texas Education Agency in cooperation between the Board and said Division regarding vocational rehabilitation; fixing fees of attorneys before the Board, single member or Commissioner, and before the courts and placing certain limitations thereon and providing for the payment thereof and the approval thereof by the Board, single member or Commissioner, or the courts; providing for the payment into the Second Injury Fund under certain circumstances by the association; fixing the liability of the association to furnish artificial or prosthetic appliances and removing the present limitation on the cost thereof; fixing the benefits payable in cases of death, with limitations, and providing to whom payable; fixing requirements for appointment of guardian for minor beneficiaries in death cases; fixing the benefits payable in cases of funeral expenses, with limitations; and providing to whom payable; fixing the benefits payable for total incapacity, with limitations; providing the method of determining extent of partial incapacity and the method of computing compensation therefor; with limitations on amount payable; providing elements to be proved in case of a

hernia and fixing benefits payable in such cases; providing procedure to be followed by the Board where the association wilfully refuses or fails to pay compensation accrued or to comply with a final award; providing for the extraterritorial effects of this law upon an employee who is injured outside of this State, with limitations; fixing the liability for medical treatment in cases of silicosis and asbestosis, with limitations; amending Article 8306a, Revised Civil Statutes of 1925; providing for four per cent (4%) discount for present payment of compensation in certain cases and for four per cent (4%) interest on compensation in certain cases and for payments of compensation to alien beneficiaries; amending Sections 1, 2, 3, 4, 5, 5a, 5b, 7 and 12 of Article 8307, Revised Civil Statutes of 1925, and adding a new section; providing for the appointment and organization of the Industrial Accident Board and the qualifications, salaries, and terms of office of the members thereof and for the employment of Commissioners and other employees of said Board and salaries and duties of said Commissioners and other employees; granting power to said Board to make necessary rules and regulations to carry out and enforce the provisions of these laws; defining the powers and duties of said Board and of its Commissioners in and providing new procedures for processing, hearing and determining disputed claims for compensation and rendering awards; providing for automatic adjustment of maximum weekly benefit amounts and the procedure to be followed by the Board and the Board of Insurance Commissioners in effectuating such automatic adjustment; providing procedure for review of any award of a single member or Commissioner by the Board and for appeal to court from any such award and trial de novo on such appeal, and for continuing jurisdiction of Commissioners in some cases; providing for enforcement of such awards by the claimant in the courts and the procedure to be followed therefor; providing for rules of procedure relating to hearings, reviews, production of evidence, and contemptuous conduct, and the venue for such hearings by the Board, single member or Commissioner; requiring every employer to include in his report of accident the weekly wage of the injured employee; providing for compromise, commutation, adjustment and settle-

ment of disputed claims for compensation and the procedure to be followed in such cases; creating a Workmen's Compensation Fund to provide for the cost of administration of these laws to be made up of payments of a tax on gross premiums not to exceed one per cent (1%) of same and the method of determining the amount of tax by the Board of Insurance Commissioners; amending Article 8309, Revised Civil Statutes of 1925, by adding two new sections; providing definitions of certain terms and adding definitions in connection with the term 'injury sustained in the course of employment'; providing for self-insurance and qualifications, rights, and fees in connection therewith, prescribing certain duties for the Board of Insurance Commissioners in connection with self-insurance; providing for effective dates of various provisions of this Act; providing a savings clause; repealing all laws in conflict; and declaring an emergency."

To the Committee on Jurisprudence.

By Senators Herring, Rogers, Mof-fett, Smith and Hardeman:

S. B. No. 312, A bill to be entitled "An Act amending Acts 1937, 45th Legislature, Page 161, Chapter 86 (Codified as Article 1528b, Vernon's Annotated Civil Statutes) to authorize electric cooperatives to serve any rural area, any area which was a rural area when service was undertaken and any area now served by such corporation; authorizing such corporations to admit to membership any person desiring service in the area served by the corporation; providing a severability clause; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

To the Committee on State Affairs.

By Senator Herring:

S. B. No. 313, A bill to be entitled "An Act to amend the subject matter of the Texas Unemployment Compensation Act, as amended, and as embraced in Section 3 providing benefits, Section 5 providing for disqualification for benefits, Section 6 providing for claims for benefits, Section 7 providing for contributions, Section 8 providing for duration of coverage, Section 9 providing for the unemployment compensation fund, Section 11 providing for administration, Section 14 providing for the collection of con-

tributions, Section 16 providing for penalties, Section 17 providing for representation in court, and Section 19 providing for definitions of terms, of the Texas Unemployment Compensation Act, as amended (Senate Bill No. 5, Chapter 482, General and Special Laws of the Forty-fourth Legislature, Third Called Session, 1936, as amended); to add a new subsection to Section 14 of the Texas Unemployment Compensation Act, as amended, providing a penalty for failure to file certain reports; and to repeal subsection (f) of Section 10 and Section 20 of the Texas Unemployment Compensation Act, as amended; providing an effective date for this Act and its sections; providing for the repeal of all laws and parts of laws in conflict herewith and for preserving rights accrued thereunder; providing for the separability of provisions; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Herring:

S. B. No. 314, A bill to be entitled "An Act relating to tax situs of property; amending Article 3.15 of the Insurance Code of 1951, 52nd Legislature, which is compiled as Vernon's Annotated Texas Statutes, Insurance Code, so as to fix the tax situs of intangible personal property."

To the Committee on State Affairs.

By Senator Rogers:

S. B. No. 315, A bill to be entitled "An Act concerning registration of motor vehicles, amending Section 3, Chapter 88, Acts of the Forty-First Legislature, Second Called Session 1929, General Laws, as amended, providing that disabled veterans who are provided or assisted in providing an automobile or other motor conveyance by the Federal Government through the Administrator of Veterans Affairs shall not be required to pay registration fees, and declaring an emergency."

To the Committee on Transportation.

Senate Concurrent Resolution 34

Senator Herring offered the following resolution:

S. C. R. No. 34, Dedicating and granting to the city of Austin for street and sewage purposes certain easements and rights-of-way of various lands owned by the State of Texas.

Be it resolved by the Senate of the State of Texas, the House of Representatives concurring:

Whereas, The convenience, health and safety of the citizens of Texas and the servants, agents and employees of the State in the interest of the public health system of the State, makes it necessary and desirable to provide adequate access, drainage and sewage disposal facilities for the new laboratory and offices of the Texas Health Department; and

Whereas, It has been determined that such adequate access in such laboratory and offices together with adequate drainage of the area may be obtained only by the widening of various streets which abut state-owned property in the area thereof and the extension of various other streets across state-owned property in such area; and the enlargement or creation of certain storm and sanitary sewers; and

Whereas, It has been determined that each of the following described tracts should be dedicated to the City of Austin for street, sanitary sewer, or drainage purposes:

For Street Purposes

3.603 acres of land, same being out of and a part of that certain tract of land, a portion of the George W. Spear League in the City of Austin, Travis County, Texas, and all of Outlots 82 and 83, Division D of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, according to a map or plat of the said Government Outlots on file in the General Land Office of the State of Texas, which was conveyed to the State of Texas by warranty deed dated March 26, 1883, of record in Volume 55 at page 246 of the Deed Records of Travis County, Texas; said 3.603 acres of land being more particularly described by metes and bounds as follows:

Beginning at a concrete monument at the present northwest corner of the said State of Texas tract of land described in deed of record in Volume 55 at page 246 of the Deed Records of Travis County, Texas;

Thence with the present north line of the said State of Texas tract, same being the North line of the herein described tract of land, S. 59° 34' E. 80.00 feet to an iron pin at the northeast corner of the herein described tract;

Thence, with the east line of the herein described tract of land, same being the proposed east line of Sunshine Drive, S. 30° 07' W. 1674.70 feet to an iron pin set on the curving west line of Lamar Boulevard, said curve having an angle of intersection of 38° 52', a tangent distance of 422.06 feet and a radius of 1196.28 feet;

Thence, following said curve to the left, an arc distance of 291.89 feet, the sub-chord of which arc bears S. 39° 17' W. 290.77 feet to a concrete monument at the point of tangency of said curve;

Thence, S. 32° 18' W. 373.98 feet to the southeast corner of the herein described tract, same being a point in the north line of West 45th Street;

Thence, with the north line of West 45th Street, same being the south line of the herein described tract of land, N. 59° 57' W. 19.30 feet to an iron pin set at the southwest corner of this tract, same being the present southwest corner of the State of Texas tract of land; and which iron pin is on the proposed west line of Sunshine Drive;

Thence, with the west line of the said State of Texas tract of land, same being the proposed west line of Sunshine Drive N. 30° 07' E. 2335.48 feet to the point of beginning.

For Street Purposes

Two (2) tracts of land each of the said (2) tracts of land being ten (10) feet in width and each being out of and a part of that certain tract of land out of the George W. Spear League in the City of Austin, Travis County, Texas which was conveyed to the Texas State Department of Health by House Bill No. 140 of the 54th Legislature of the State of Texas, each of the said two (2) tracts of land ten (10) feet in width being more particularly described as follows:

No. 1 Being all of the north ten (10) feet of the said Texas State Department of Health tract of land;

No. 2 Being all of the west ten (10) feet of the said Texas State Department of Health tract of land.

For Street Purposes

0.220 of one acre of land, same being out of and a part of that certain tract of land out of the George W. Spear League in the City of Austin, Travis County, Texas which was conveyed to the Texas State Department of Health by House Bill No. 140 of the 54th Legislature of the State of

Texas and which 0.220 of one acre of land is more particularly described by metes and bounds as follows:

Beginning at a concrete monument at the southwest corner of the said Texas State Department of Health tract of land;

Thence, with the west line of the said Texas State Department of Health tract of land, N. 29° 58' E. 15.00 feet to an iron pin, for the northwest corner of the herein described tract of land, said iron pin being on the proposed north line of West 49th Street;

Thence, with the proposed north line of West 49th Street S. 59° 55' E. 639.77 feet to an iron pin set on the east line of the said Texas State Department of Health tract of land, same being the northeast corner of the herein described tract and from which iron pin, a concrete monument at an ell corner of the said Texas State Department of Health tract bears, N. 30° 07' E. 523.56 feet;

Thence, with the east line of the said Texas State Department of Health tract, same being the east line of the herein described tract, S. 30° 07' W. 15.00 feet to a point;

Thence, with the south line of the said Texas State Department of Health tract, same being the south line of the herein described tract, N. 59° 55' W. 639.73 feet to the point of beginning.

For Street Purposes

0.955 of one acre of land, same being out of and a part of that certain tract of land out of the George W. Spear League in the City of Austin, Travis County, Texas, which was conveyed to the Texas State School for the Blind by Warranty Deed dated November 3, 1915, of record in Volume 277 at Page 286 of the Deed Records of Travis County, Texas, which 0.955 of one acre of land is more particularly described by metes and bounds as follows:

Beginning at a concrete monument set at the present most northerly northwest corner of the said Texas State School for the Blind tract of land, same being the northwest corner of the herein described tract of land and the southwest corner of the Texas State Department of Health tract as described in House Bill No. 140 of the 54th Legislature of the State of Texas;

Thence, with the present north line of the said Texas State School for the

Blind tract of land same being the north line of the herein described tract and the south line of said Texas State Health Department tract, S. 59° 55' E. 639.73 feet to the northeast corner of the said Texas State School for the Blind tract of land, same being the southeast corner of the said Texas State Health Department tract of land;

Thence, with the east line of the said Texas State School for the Blind tract, S. 30° 07' W. 65.00 feet to an iron pin at the southeast corner of the herein described tract, same being on the proposed south line of West 49th Street;

Thence, with the proposed south line of West 49th Street, N. 59° 55' E. 639.63 feet to an iron pin set on the most easterly north line of the said Texas State School for the Blind tract of land;

Thence, with the most easterly north line of the said Texas State School for the Blind tract of land, N. 29° 58' E. 65.00 feet to the point of beginning.

For Sanitary Sewer Purposes

A strip of land fifteen (15) feet in width, same being out of and a part of Outlots 79 and 80, Division D of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, according to a map or plat of the said Government Outlots on file in the General Land Office of the State of Texas, which Outlots 79 and 80 were conveyed to the State of Texas by the following two (2) warranty deeds:

(1) Dated April 14, 1857 of record in Volume L at Page 366-367 of the Deed Records of Travis County, Texas.

(2) Dated February 18, 1858 of record in Volume M at Page 129 of the Deed Records of Travis County, Texas. And being out of and a part of that certain tract of land out of the Thomas Gray Survey in the City of Austin, Travis County, Texas, which was conveyed to the State of Texas by Warranty Deed dated January 16, 1867 of record in Volume Q at Page 674 of the Deed Records of Travis County, Texas; the centerline of said strip of land fifteen (15) feet in width being more particularly described as follows:

Beginning at a point in the south line of the said State of Texas tract of land, same being the north line of West 38th Street and from which

point of beginning the southeast corner of the said State of Texas tract bears S. 60° 14' E. 7.50 feet;

Thence, following the centerline of said strip of land fifteen (15) feet in width same being a line seven and one-half (7.5) feet west of and parallel to the east line of the said State of Texas tract, with the following two (2) courses:

(1) N. 29° 51' E. 497.32 feet to a point;

(2) N. 30° 06' E. 506.72 feet to a point;

Thence N. 25° 40' E. 372.54 feet to a point;

Thence N. 49° 36' E. 86.20 feet to a point;

Thence following said line seven and one-half (7½) feet west of and parallel to the east line of the said State Hospital tract, N. 30° 06' E. 1910.04 feet to point of termination on the north line of the said State of Texas tract of land and from which point of termination a concrete monument set at the point of intersection between the centerline of West 45th Street which lies to the east of Guadalupe Street, and a line ten (10) feet east of the centerline of Guadalupe Street, bears S. 30° 06' W. 44.81 feet and S. 59° 54' E. 57.50 feet;

And in addition thereto a temporary working space easement twenty (20) feet in width to cover period of original installation is to be retained adjacent and parallel to the west line of the easement described above.

For Sanitary Sewer Purposes

A strip of land ten (10) feet in width, same being out of and a part of that certain tract of land, a portion of the George W. Spear League in the City of Austin, Travis County, Texas, and all of Outlots 82 and 83, Division D of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, according to a map or plat of the said Government Outlots on file in the General Land Office of the State of Texas, which was conveyed to the State of Texas by warranty deed dated March 26, 1883 of record in Volume 55, at pages 246-247 of the Deed Records of Travis County, Texas, and being out of and a part of that certain tract of land out of the Thomas Gray Survey in the City of Austin, Travis County, Texas, which was conveyed to the State of Texas by warranty deed dated March 14, 1883 of record in Volume 55 at pages 247-248 of the

Deed Records, Travis County, Texas; the centerline of the said strip of land ten (10) feet in width being more particularly described as follows:

Beginning at a point on the Southeast line of Lamar Boulevard and from which point of beginning a concrete monument at the point of curvature of a curve in the said Southeast line of Lamar Boulevard whose angle of intersection is 38° 52', whose tangent distance is 386.78 feet and whose radius is 1096.28 feet, bears South 71° 10' West 342.25 feet;

Thence, South 19° 19' East 31.90 feet to a point;

Thence, South 45° 25' East 601.85 feet to point of termination on the West line of West Guadalupe Street and from which point of termination the point of curvature of a curve in the West line of the said West Guadalupe Street whose angle of intersection is 24° 43', whose tangent distance is 240.82 feet and whose radius is 1099.10 feet, bears South 5° 33' East 1000.38 feet;

And in addition thereto a temporary working space easement twenty (20) feet in width to cover period of original installation is to be retained adjacent and parallel to the North line of the easement described above.

For Drainageway Purposes

Four (4) strips of land, each of the said four (4) strips of land being out of and a part of that certain tract of land, a portion of the George W. Spear League in the City of Austin, Travis County, Texas, and all of Outlots 82 and 83, Division D of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, according to a map or plat of said Government Outlots on file in the General Land Office of the State of Texas, which was conveyed to the State of Texas by Warranty Deed dated March 26, 1883 of record in Volume 55 at page 246 of the Deed Records, Travis County, Texas, the strip of land hereinafter described as No. 1 being fifteen (15) feet in width, the strip of land hereafter described as No. 2 being twenty (20) feet in width, the strip of land hereinafter described as No. 3 being thirty (30) feet in width, the strip of land hereinafter described as No. 4 being thirty (30) feet in width, the centerline of each of the said four (4) strips of land being more particularly described as follows:

No. 1 Beginning at a point on the present North line of the said State of Texas tract of land, same being the southwest corner of Lot 31 of N. A. Ladd Addition according to a map or plat of the said N. A. Ladd Addition of record in Book 3 at page 48 of the Plat Records of Travis County, Texas, from which point of beginning the northeast corner of the said State of Texas tract bears S. 59° 34' East 138.00 feet more or less; Thence, S. 63° 25' W. 566.36 feet to point of termination.

No. 2 Beginning at a point on the present north line of the said State of Texas tract and from which point of beginning a concrete monument at the present northwest corner of the said State of Texas tract bears North 59° 34' W. 146.70 feet;

Thence, S. 7° 05' E. 598.86 feet to point of termination, same being point of termination of the easement described above as No. 1.

No. 3 Beginning at a point in the Northwest line of Lamar Blvd. and from which point of beginning a concrete monument at the point of curvature of a curve whose angle of intersection is 41° 27', whose tangent distance is 414.39 feet and whose radius is 1095.22 feet bears N. 71° 10' E. 24.52 feet;

Thence, N. 60° 31' E. 389.36 feet to point of termination, same being points of termination of the easements described above as Nos. 1 and 2.

No. 4 Beginning at a point on the W. line of the said State of Texas tract of land, and from which point of beginning a concrete monument at the present northwest corner of the said State of Texas tract bears N. 30° 07' E. 563.56 feet;

Thence, S. 59° 55' E. 546.13 feet to point of termination on the centerline of the strip of land described above as No. 3; and

Whereas, The area to the north and west of an 84.12 acre tract of land belonging to the State of Texas, and located in Austin, Travis County, Texas has in recent years been developed by the construction of houses and paved streets; and

Whereas, The volume of runoff water which must cross said 84.12 acre tract has been greatly increased by such construction of houses and paved streets in said area; and

Whereas, The presently existing 25 foot drainage easement across such land is no longer adequate to accommodate such runoff water, thereby

causing flooding of such land and the creation of an unhealthy condition and lessening the value of such land; and

Whereas, It has been determined that adequate drainage for such area will be afforded by an increase in the size of such drainage easement, to a width of 50 feet, and that such increase in width to remove such unhealthy condition may be accomplished by dedicating the following described tract to the City of Austin for Drainage purposes;

For Drainageway Purposes

A strip of land twenty-five (25) feet in width, same being out of and a part of that certain 84.12 acre tract of land out of the James P. Wallace Survey in the City of Austin, Travis County, Texas, which was conveyed to the State of Texas by Warranty Deed dated January 13, 1908, of record in Volume 217 at Page 465, Deed Records, Travis County, Texas, said strip of land being the East twenty five (25) feet of that portion of said State of Texas 84.12 acre tract which lies south of the south line of a tract of land out of said 84.12 acre tract which was conveyed by the State of Texas to the Austin Independent School District by patent dated July 18, 1949 of record in Volume 961 at page 292 of the Deed Records of Travis County, Texas; and

Whereas, The City of Austin in Travis County, Texas, has in recent years experienced tremendous growth in the form of residential subdivisions in both its northeast and northwest areas, thereby creating a great increase in the amount of east-west traffic which must be handled by a few narrow and crooked cross-town streets; and

Whereas, The increase of traffic on such narrow and crooked cross-town streets has created serious traffic hazards which threaten the lives and property of persons using such streets; and

Whereas, The City of Austin has evolved a plan of straightening and widening certain cross-town streets in an effort to minimize the traffic hazards now existing on such streets; and

Whereas, As a part of said plan, the City of Austin proposes to establish an east-west boulevard, eighty (80) feet in width, along West Thirty-Eighth Street in said City, and as a part of such project, West Thirty-Eighth Street must be widened and straightened from Guadalupe Street westerly to Lamar Boulevard; and

Whereas, The State-owned grounds of the Austin State Hospital abut the north side of West thirty-Eighth Street from Guadalupe Street westerly to Lamar Boulevard, and the establishment and development of the proposed boulevard will greatly enhance the value of the State Hospital property, and will minimize the danger of automobile accidents on such street; and

Whereas, The City of Austin has agreed to perform any fence or house moving that may be necessary before such widening of West 38th Street may be accomplished, provided, however, that the Austin State Hospital will not construct any new improvements nearer than twenty-five (25) feet to the proposed north line of West 38th Street; and

Whereas, The necessary widening of such street may be accomplished by the dedication of the hereinafter described tract to the City of Austin for street purposes,

For Street Purposes

A strip of land twenty-two and one half (22.5) feet in width, same being out of a part of Outlot 79 in Division "D" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, according to a map or plat of said Government Outlots on file in the General Land Office of the State of Texas, which Outlot 79 together with other property, was conveyed to the State of Texas by Warranty Deed dated April 4, 1857, of record in Volume L at page 366-367 of the Deed Records of Travis County, Texas, said strip of land being the South Twenty-two and one-half (22.5) feet of the Texas State Hospital for the Insane Tract, lying adjacent to the present north line of West 38th Street, and extending from the east line of Lamar Boulevard to the West line of Guadalupe Street; and

Whereas, West 35th Street, in the City of Austin, Travis County, Texas is the front street and accessway to Camp R. M. Hubbard, Camp Mabry, and the Austin State School; and

Whereas, The above mentioned state-owned lands abut both sides of West 35th Street along the area to be widened and paved and such widening and paving will greatly enhance the value of said state-owned lands; and

Whereas, The City of Austin must have additional right of way to permit the widening of West 35th Street

before it can proceed with its plans for such paving and widening of said street, such additional right of way being described as follows:

For Street Purposes

Two (2) strips of land each fifteen (15) feet in width, each being out of and a part of the Daniel J. Gilbert Survey in the City of Austin, Travis County, Texas, each of the said strips of land lying adjacent and parallel to the north line of West 35th Street, the strip of land hereinafter described as No. 1 being out of and a part of that certain tract of land conveyed to the State of Texas by deed dated May 20, 1935, of record in Volume 520, Page 619, Deed Records, Travis County, Texas, and the strip of land hereinafter described as No. 2 being out of and a part of that certain tract of land which was conveyed to the State of Texas by deed dated May 18, 1935 of record in Volume 520 at page 615, deed records, Travis County, Texas, each of the said strips of land being more particularly described as follows:

(1) The south fifteen (15) feet of said tract of land conveyed to the State of Texas by deed of record in Volume 520 at Page 619, Deed Records, Travis County, Texas;

(2) The south fifteen (15) feet of said tract of land conveyed to the State of Texas by deed of record in Volume 520 at Page 615, Deed Records, Travis County, Texas;

Now, therefore, The Senate of the State of Texas, the House of Representatives concurring, in consideration of the benefits which will accrue to the State of Texas by reason of widening or extension of the streets described herein and by reason of the creation or improvement of the storm and sanitary sewers described herein, does hereby dedicate and grant to the City of Austin, for the purposes indicated, the above described tracts of land.

The resolution was read and was referred to the Committee on State Affairs.

Senate Resolution 176

Senator Moffett offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Mr. Lennis Smith, Mr. B. L. Smith, Jr. and Mr. Scott Jolly, prominent citizens of Paducah, Cottle County, Texas; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

(President pro tempore in Chair.)

Senate Resolution 177

Senator Roberts offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, members of the 7th Grade of the Celina School, Celina, Texas, accompanied by Mr. R. E. Murray, Supt. of Schools at Celina, and their Room Mothers, Mrs. Mark Graham, and Mrs. Carl Perry; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Roberts by unanimous consent presented the students and teachers to Members of the Senate.

Message From the House

Hall of the House of Representatives,
Austin, Texas,
March 4, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 35, Recommending that the Texas Congressional delegation in Washington oppose the bills now under consideration which would

provide federal financial assistance to local school districts.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives.

Senate Concurrent Resolution 35

Senator Rogers offered the following resolution:

S. C. R. No. 35, Granting Hale Center Cooperative permission to sue the State of Texas.

Whereas, the Hale Center Cooperative Gin of Hale County, Texas, alleges that it purchased certain lots located in Hale County, Texas, from Precinct No. 3 of Hale County, Texas, which lots were purchased by Precinct No. 3, Hale County, Texas, from the City of Hale Center. These lots were acquired by the City of Hale Center at a tax foreclosure sale in 1943; and

Whereas, It is alleged by the Hale Center Cooperative Gin that the conveyance from the City of Hale Center to Precinct No. 3, Hale County, Texas, was an invalid conveyance, and it is necessary for the Hale Center Cooperative Gin to sue the State of Texas and appropriate taxing units in order to remove the cloud of title from the lots purchased from Precinct No. 3, Hale County, Texas; now, therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives of the State of Texas, concurring, That the Hale Center Cooperative Gin be and is hereby given and granted permission to sue the State of Texas in any court of competent jurisdiction to remove the alleged cloud of title on the lots above mentioned; and be it further

Resolved, That service of citation and any other legal process shall be served upon the Attorney General of the State of Texas. Service of process upon this officer shall have the same force and effect as the service of process upon a defendant in any other civil case, according to the Rules of Civil Procedure as promulgated and adopted by the Supreme Court of Texas; and be it further

Resolved, That any party to the suit shall have the right of appeal as is provided for in other civil cases; and, be it further

Resolved, That the sole purpose of this resolution is to grant permission to the Hale Center Cooperative Gin

to bring suit against the State of Texas. No admission of liability or any fact is made in any way by the passage of this resolution; but on the contrary, it is specifically provided that the facts upon which the Hale Center Cooperative Gin seeks to recover or sue on must be proved in court as in other civil cases; and be it further

Resolved, That any and all defenses which the State of Texas may have shall be pleaded by it, and none of the defenses which the State of Texas may have are in any way waived by the passage of this resolution.

The resolution was read and was referred to the Committee on Jurisprudence.

Senate Concurrent Resolution 36

Senator Willis offered the following resolution:

S. C. R. No. 36, Memorializing Congress relative to salary schedule for postal employees.

Whereas, Employees of the United States Postal Service have greater work loads and responsibilities than ever before; and

Whereas, The work of the Postal Department is being performed in an efficient manner and is deserving of increased compensation; therefore be it

Resolved, That the Senate of the State of Texas, the House of Representatives concurring, endorses a salary schedule for postal employees commensurate with that in private industry, and to that end urges the Congress of the United States to vote for and support such Legislation; be it further

Resolved, That a copy of this Resolution be transmitted to each member of Congress from the State of Texas.

The resolution was read.

On motion of Senator Willis and by unanimous consent the resolution was considered immediately and was adopted.

Senate Bill 225 on Second Reading

Senator Krueger moved that the regular order and Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 225 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lane
Ashley	Lock
Bracewell	Moffett
Bradshaw	Moore
Colson	Parkhouse
Fuller	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Wood

Nays—2

Rogers	Willis
	Absent

Fly

Absent—Excused

Martin	Owen
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The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 225, A bill to be entitled "An Act amending Chapter 467, House Bill No. 77, Acts, Second Called Session, Forty-fourth Legislature, as such has been heretofore amended, being the Texas Liquor Control Act, and being the Act carried in Vernon's Penal Code as Articles 666 and 667, so as to clarify such Act and further regulate and control alcoholic beverages by providing for the right of a manufacturer's License, or a renewal of a Manufacturer's License, of any person holding such a license in an area wherein, subsequent to issuance of such license, the sale of beer has been prohibited by local option election; defining the rights of and limitations on a holder of such a license under such conditions; providing a saving clause; repealing laws in conflict herewith; and declaring an emergency."

The bill was read second time and passed to engrossment.

Record of Votes

Senators Moffett, Willis, Roberts and Ratliff asked to be recorded as voting "Nay" on the passage of S. B. No. 225 to engrossment.

Senate Bill 225 on Third Reading

Senator Krueger moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 225 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Lane
Ashley	Lock
Bracewell	Moffett
Bradshaw	Moore
Colson	Parkhouse
Fuller	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Wood
Krueger	

Nays—3

Roberts	Willis
Rogers	

Absent

Fly

Absent—Excused

Martin	Owen
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Willis, Ratliff, Moffett, Roberts and Aikin asked to be recorded as voting "Nay" on the final passage of S. B. No. 225.

(Senator Moffett in Chair.)

Senate Bill 290 on Second Reading

Senator Parkhouse moved that the regular order and Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 290 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lock
Ashley	Moffett
Bracewell	Moore
Bradshaw	Parkhouse
Colson	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

Absent—Excused

Martin	Owen
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The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 290, A bill to be entitled "An Act constituting a local law for the maintenance of the public roads and highways in Dallas County by authorizing the county to issue certificates of indebtedness for the purpose of acquiring right of way for designated State highways or Federal highways when the acquisition of such right of way is approved by the State Highway Commission, and payment of expenses in connection with such acquisition; requiring the levy of a tax to pay such certificates and the interest thereon; requiring such certificates to be approved by the attorney general and registered by the comptroller of public accounts and prescribing the effect thereof; enacting other provisions relating to the subject; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 290 on Third Reading

Senator Parkhouse moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 290 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Bracewell
Ashley	Bradshaw

Colson	Moore
Fly	Parkhouse
Fuller	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis
Lock	Wood
Moffett	

Absent—Excused

Martin Owen

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Lock
Ashley	Moffett
Bracewell	Moore
Bradshaw	Parkhouse
Colson	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

Absent—Excused

Martin Owen

Presentation of Guests

Senator Roberts by unanimous consent presented 14 members of Nash Home Demonstration Club of Waxahachie to the Members of the Senate for Senator Martin.

Senate Resolution 178

Senator Krueger offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Mrs. Mary Baca and son, Marvin, and Mrs. Sophie Hradecky, all of El Campo, Texas; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Krueger by unanimous consent presented Mrs. Baca and Mrs. Hradecky to the Members of the Senate.

Senate Bill 93 on Second Reading

Senator Lock moved that the regular order and Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 93 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lock
Ashley	Moffett
Bracewell	Moore
Bradshaw	Parkhouse
Colson	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

Present—Not Voting

Fly

Absent—Excused

Martin Owen

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 93, A bill to be entitled "An Act authorizing the Board of Directors of the Agricultural and Mechanical College of Texas to acquire by purchase in the name of the State of Texas, for the use and benefit of the Texas Forest Service, and to improve the same, a sufficient quantity of land suitable for the operation thereon of a forest tree seedling nursery in the reforestation program of the Texas Forest Service and for the production of other forest products; and declaring an emergency."

The bill was read the second time.

Senator Lock offered the following Committee Amendment to the bill:

Amend S. B. No. 93 by adding the following at the end of Section One:

"provided, however, that not more than four hundred acres of land may be purchased under the terms of this Act."

The Committee Amendment was adopted.

On motion of Senator Lock and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 93 on Third Reading

Senator Lock moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 93 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lock
Ashley	Moffett
Bracewell	Moore
Bradshaw	Parkhouse
Colson	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

Absent—Excused

Martin Owen

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Fuller
Ashley	Gonzalez
Bracewell	Hardeman
Bradshaw	Hazlewood
Colson	Herring
Fly	Hudson

Kazen	Reagan
Krueger	Roberts
Lane	Rogers
Lock	Secrest
Moffett	Smith
Moore	Weinert
Parkhouse	Willis
Phillips	Wood
Ratliff	

Absent—Excused

Martin Owen

Senate Bill 293 on Second Reading

Senator Colson moved that the regular order Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 293 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lock
Ashley	Moffett
Bracewell	Moore
Bradshaw	Parkhouse
Colson	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

Absent—Excused

Martin Owen

(President in the chair.)

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 293, A bill to be entitled "An Act authorizing the Board of Regents of the State Teachers Colleges to execute and deliver to the State Highway Commission a right-of-way easement for the construction and maintenance of a U. S. Highway 75 by-pass loop extending along and across certain State property owned by the State of Texas for the use and benefit of Sam Houston State Teachers College; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 293 on Third Reading

Senator Colson moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 293 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lock
Ashley	Moffett
Bracewell	Moore
Bradshaw	Parkhouse
Colson	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

Absent—Excused

Martin	Owen
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Lock
Ashley	Moffett
Bracewell	Moore
Bradshaw	Parkhouse
Colson	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

Absent—Excused

Martin	Owen
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Motion to Place Senate Bill 126 on Second Reading

Senator Hardeman moved that the regular order and Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and

that S. B. No. 126 be taken up for consideration at this time.

The motion was lost by the following vote: (Not receiving two-thirds vote of the Members of the Senate).

Yeas—21

Aikin	Kazen
Ashley	Lane
Bracewell	Lock
Colson	Moffett
Fly	Parkhouse
Fuller	Phillips
Gonzalez	Reagan
Hardeman	Smith
Hazlewood	Weinert
Herring	Wood
Hudson	

Nays—7

Bradshaw	Rogers
Moore	Secrest
Ratliff	Willis
Roberts	

Absent

Krueger

Absent—Excused

Martin	Owen
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Bills and Resolution Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

S. B. No. 230, A bill to be entitled "An Act authorizing the issuance of refunding bonds by school districts and containing provisions relating to such bonds; validating all refunding bonds heretofore issued by school districts and approved by the Attorney General of Texas; providing that all bonds issued by school districts, after they have been approved by Attorney General and registered by Comptroller of Public Accounts, shall be incontestable except for forgery or fraud; and declaring an emergency."

S. C. R. No. 14, Granting Southern Union Gas Company permission to sue the State of Texas.

S. B. No. 18, A bill to be entitled "An Act regulating the manufacture, sale, offering for sale, exposing for sale and distribution for sale of commercial feed as defined in this Act in this State; containing a short title; defining terms; regulating the manu-

facture, sale and distribution of "Customer-Formula Feed," "Special Formula Feed," and "Made To Order Feed"; providing a penalty; etc.; and declaring an emergency." (Subject to the provisions of Section 49A of Article III of the Constitution of the State of Texas.)

Committee Substitute Senate Joint Resolution 3 on Second Reading

Senator Hazlewood moved that the regular order and Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that C. S. S. J. R. No. 3 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lock
Ashley	Moffett
Bracewell	Moore
Bradshaw	Parkhouse
Colson	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Lane	Wood

Absent

Krueger

Absent—Excused

Martin

Owen

The President laid before the Senate on its second reading and passage to engrossment:

S. J. R. No. 3, Proposing an amendment to Article 9 of the Constitution of the State of Texas by adding thereto a new section to be known as Section 5, by providing that the Legislature may authorize the creation of a city-wide hospital district, etc., and declaring an emergency."

The resolution was read the second time.

Senator Hazlewood offered the following amendment to the resolution:

Amend C. S. S. J. R. No. 3 by striking out all below the resolving clause and substituting in lieu thereof the following:

"Section 1. That Article IX of the Constitution of the State of Texas be, and the same is hereby amended by adding thereto another section to be designated as Section 5, which shall read as follows:

"Section 5.

"(a) The Legislature may by law authorize the creation of a city-wide hospital district which shall always be co-extensive with the incorporated limits of Amarillo, Texas, and may also authorize the creation of a county-wide hospital district for Wichita County, Texas, with power to issue bonds for the purchase, acquisition, construction, maintenance, and operation of any city or county owned hospital, or, where the hospital system is jointly operated by a county and city within the county, and to provide for the transfer to the city- or county-wide Hospital District of the title to any land, buildings or equipment, jointly or separately owned, and for the assumption by the district of any outstanding bonded indebtedness theretofore issued by any county or city for the establishment of hospitals or hospital facilities; to levy a tax not to exceed seventy-five (\$.75) cents on the One Hundred (\$100.00) Dollars valuation of all taxable property within such district, for that purpose only, provided, however, that such district shall be approved at an election held for that purpose, and that only qualified, property taxpaying voters in such city or in such county shall vote therein; provided further, that such Hospital District shall assume full responsibility for providing medical and hospital care to needy inhabitants of the city, or of said county, and thereafter said city and said county or the cities located in said county, shall not levy any other tax for hospital purposes; and provided further that should such Hospital District construct, maintain and support a hospital or hospital system, that the same shall never become a charge against the State of Texas, nor shall any direct appropriation ever be made by the Legislature for the construction, maintenance or improvement of the said hospital or hospitals.

"(b) The Legislature shall be further authorized by law to permit the county of Potter in which the town of Amarillo is partially located, to render financial aid to, and to further participate in the operation of such

hospitals, and may authorize said Commissioners' Courts of Potter County to assess and levy taxes on all property outside the incorporated limits of such city in Potter County not to exceed the rate of ten (\$.10) cents on the One Hundred (\$100.00) Dollar valuation of all taxable property within such areas, for that purpose only.

"(c) Should the Legislature enact enabling laws in anticipation of the adoption of this amendment, such Acts shall not be invalid because of their anticipatory character."

Section 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this State at the General Election to be held the first Tuesday after the first Monday in November, 1958, at which election all ballots shall have printed thereon:

"FOR the Constitutional Amendment authorizing the Legislature to create a hospital district co-extensive with the incorporated limits of the city of Amarillo, Texas, and authorizing Potter County to lend financial aid to and participate in the operation of said hospital district, and further authorizing the Legislature to create a county-wide hospital district in Wichita County, Texas.

"AGAINST the Constitutional Amendment authorizing the Legislature to create a hospital district co-extensive with the incorporated limits of the city of Amarillo, Texas, and authorizing Potter County to lend financial aid to and participate in the operation of said hospital district, and further authorizing the Legislature to create a county-wide hospital district in Wichita County, Texas.

"Section 3.

"The Governor shall issue the necessary proclamation for said election and have the same published as required by the Constitution and laws of this State."

HAZLEWOOD
MOFFETT

The amendment was adopted.

Senator Hazlewood offered the following amendment to the resolution:

Amend C. S. S. J. R. No. 3 by striking out all above the resolving clause and substituting in lieu thereof the following:

"Proposing an amendment to Article IX of the Constitution of the

State of Texas by adding thereto a new section to be known as Section 5, by providing that the Legislature may authorize the creation of a city-wide hospital district co-extensive with the incorporated limits of the City of Amarillo, Texas; and authorizing the County of Potter to render financial aid to, and participate in the operation, of such hospital district, and authorizing the Commissioners' Courts of said County to assess and levy taxes on property outside the incorporated limits of such city; and further authorizing a county-wide hospital district for Wichita County, Texas; and further providing that any enabling acts shall not be invalid because of their anticipatory character."

HAZLEWOOD
MOFFETT

The amendment was adopted.

The resolution, as amended, was passed to engrossment.

Committee Substitute Senate Joint Resolution 3 on Third Reading

Senator Hazlewood moved that the Constitutional Rule and Senate Rule 32 requiring resolutions to be read on three several days be suspended and that C. S. S. J. R. No. 3 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lock
Ashley	Moffett
Bracewell	Moore
Bradshaw	Parkhouse
Colson	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

Absent—Excused

Martin Owen

The President then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote:

Yeas—29

Aikin	Lock
Ashley	Moffett
Bracewell	Moore
Bradshaw	Parkhouse
Colson	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

Absent—Excused

Martin	Owen
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House Concurrent Resolution 35 on Second Reading

On motion of Senator Ratliff and by unanimous consent the President laid before the Senate the following resolution:

H. C. R. 35, Recommending that Texas Congressional delegation oppose bills which provide Federal financial assistance to Local School Districts.

The resolution was read and was adopted.

Senate Concurrent Resolution 10 on Second Reading

On motion of Senator Herring and by unanimous consent the President laid before the Senate the following resolution:

S. C. R. No. 10, Requesting Texas Legislative Council to study traffic accident problem on streets and highways.

The resolution was read and was adopted.

Senate Bill 219 on Second Reading

Senator Fuller moved that the regular order and Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 219 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—28

Aikin	Ashley
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Bracewell	Lock
Bradshaw	Moffett
Colson	Moore
Fly	Parkhouse
Fuller	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

Nays—1

Rogers

Absent—Excused

Martin	Owen
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The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 219, A bill to be entitled "An Act amending the present subsection (13) of Section 15 of Article I of the Texas Liquor Control Act (compiled as sub-section (13) of Article 666-15, Vernon's Penal Code); and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 219 on Third Reading

Senator Fuller moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 219 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Lane
Ashley	Lock
Bracewell	Moffett
Bradshaw	Moore
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Secrest
Hazlewood	Smith
Herring	Weinert
Hudson	Willis
Kazen	Wood
Krueger	

Nays—2

Roberts	Rogers
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Absent—Excused

Martin

Owen

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Krueger
Ashley	Lane
Bracewell	Lock
Bradshaw	Moffett
Colson	Moore
Fly	Parkhouse
Fuller	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Wood

Nays—3

Roberts	Willis
Rogers	

Absent—Excused

Martin

Owen

Senate Bill 257 on Second Reading

Senator Kazen moved that the regular order and Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that S. B. To. 257 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lane
Ashley	Lock
Bracewell	Moffett
Bradshaw	Moore
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Wood

Nays—2

Rogers	Willis
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Absent

Krueger

Absent—Excused

Martin

Owen

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 257, A bill to be entitled "An Act amending Section 8 of Article I, Chapter 467, Acts of the 44th Legislature, Second Called Session, 1935 (codified as Article 666-8 of Vernon's Texas Penal Code), pertaining to liquor imports; amending Subsection (4) of Section 23a of Article I, Chapter 467, Acts of the 44th Legislature, Second Called Session, 1935, added by Section 31 of Chapter 448, Acts of the 45th Legislature, Regular Session, 1937 (codified as Article 666-23a(4) of Vernon's Texas Penal Code), pertaining to liquor imports; repealing laws in conflict; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Record of Votes

Senators Willis, Roberts, Ratliff and Rogers asked to be recorded as voting "Nay" on passage of S. B. No. 257 to engrossment.

Senate Bill 257 on Third Reading

Senator Kazen moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 257 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Lane
Ashley	Lock
Bracewell	Moffett
Bradshaw	Moore
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Secrest
Hazlewood	Smith
Herring	Weinert
Hudson	Wood
Kazen	

Nays—3

Roberts	Willis
Rogers	

Absent

Krueger

Absent—Excused

Martin

Owen

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

Aikin	Krueger
Ashley	Lane
Bracewell	Lock
Bradshaw	Moffett
Colson	Moore
Fly	Parkhouse
Fuller	Phillips
Gonzalez	Reagan
Hardeman	Secrest
Hazlewood	Smith
Herring	Weinert
Hudson	Wood
Kazen	

Nays—4

Ratliff	Rogers
Roberts	Willis

Absent—Excused

Martin

Owen

Senate Bill 251 on Second Reading

Senator Roberts moved that the regular order and Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 251 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lock
Ashley	Moffett
Bracewell	Moore
Bradshaw	Parkhouse
Colson	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Lane	Wood

Absent

Krueger

Absent—Excused

Martin

Owen

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 251, A bill to be entitled "An Act prohibiting certain acts of pollution of the waters of Lake Lavon, in Collin County, in such manner as is detrimental to fish therein and to persons fishing therein; providing a penalty for such acts; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 251 on Third Reading

Senator Roberts moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 251 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lock
Ashley	Moffett
Bracewell	Moore
Bradshaw	Parkhouse
Colson	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

Absent—Excused

Martin

Owen

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Motion to Change Vote Recorded

Senator Willis asked unanimous consent to change his vote from

"Yea" to "Nay" on suspending rules to consider S. B. No. 219.

There was objection offered.

Special Notice

Senator Moore gave notice that he would on tomorrow move to take up S. B. No. 49 for consideration.

Adjournment

On motion of Senator Hardeman the Senate at 11:53 o'clock a.m. adjourned until 10:30 o'clock a.m. tomorrow.

THIRTY-SECOND DAY

(Tuesday, March 5, 1957)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Lock
Ashley	Moffett
Bracewell	Moore
Bradshaw	Parkhouse
Colson	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

Absent—Excused

Martin Owen

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence Granted

Senator Owen was granted leave of absence for today on account of important business on motion of Senator Roberts.

Senate Resolution 181

Senator Reagan offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate members of the Texas History and Economics Classes from the W. B. Ray Senior High School in Corpus Christi, Texas, accompanied by their sponsors, Mrs. Fred B. Norris, Mrs. Yona Bird, Mr. W. C. Box, and Mr. John Gilligan; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Reagan by unanimous consent presented the students and sponsors to the Members of the Senate.

Senate Resolution 183

Senator Moore offered the following resolution:

Whereas, We are honored to have in the gallery of the Senate the Senior Class of Caldwell, Texas, accompanied by their teacher, Mr. F. D. Rogers; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.